

STATE OF WASHINGTON DEPARTMENT OF ECOLOGY

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April 15, 2004

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ENVIRONMENTAL AFFAIRS POINT PLAZA

Megan White Environmental Services Manager Washington State Dept. of Transportation PO Box 47331 Olympia WA 98504-7331

Dear Ms. White:

Re: Flow Control Exemption Criteria

We have reviewed the draft task reports submitted by Herrera Environmental Consultants and Northwest Hydraulic Consultants on flow exemption criteria for western Washington. This letter is intended to document Ecology's position on the methods and recommendations of those reports.

We concur with the results and recommendations in Tasks AN-4 through AN-7. This includes:

- A 100 square mile drainage area as the minimum qualifying criterion before applying other criteria to determine exempt stream segments.
- The build-out land cover change metric, the land use overlay analysis, and the GIS tool to convert land use to land cover.
- The land cover change metric must be less than 55.4%. (Note: Our current understanding is that all river segments upstream of any point that fails this criterion are not eligible for a flow exemption.)
- Restrict the lands that can qualify for an exemption to those that lie within ½ mile of the Ordinary High water Mark (OHW) of the exempt receiving water.

In regard to the ½ mile distance restriction, Ecology favors an interpretation that limits the exemption to that portion of a project that lies within the ½ mile distance. If a stormwater discharge from a site includes water from outside the boundary, the discharge would not qualify for the exemption. In addition, we favor application of the conditions for a direct discharge exemption that are in Section 1.2.3. of King County's 1998 Surface Water Drainage Manual.

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If WSDOT concurs with the bulleted statements above, Ecology supports initiation of Phase III work to specifically identify stream segments that meet these flow exemption criteria.

In regard to Tasks 8 through 10, Ecology accepts the work performed by the contractors. We have not yet taken a position on the results and recommendations of these task reports. The usefulness of the potential criteria studied in these tasks won't be determined until after the results of the Phase III work on the land cover change criterion. Therefore, we suggest waiting for the results of that work before making decisions concerning whether and how to proceed with these other criteria.

If you have any questions, please feel free to contact Ed O'Brien of my staff at 407-6438, or me at 407-6460.

Sincerely,

Melodie A. Selby, P.E.

Section Manager

Water Quality Program

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